

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Krzysik, et al.  
Serial No. 10/659,967  
Filed September 11, 2003  
Confirmation No. 5034  
For SKIN CARE TOPICAL OINTMENT  
Examiner Sheikh, Humera N.

Art Unit 1618

November 8, 2008

**LETTER REGARDING ERROR IN PATENT TERM ADJUSTMENT**

TO THE COMMISSIONER FOR PATENTS,  
SIR:

Pursuant to Comment 43 of the rules listed in Federal Register Vol. 65, No. 181 at page 56387 (Sept. 18, 2000), Applicants hereby notify the Office that the term adjustment for the pending patent is thought to be longer than appropriate. The Office has indicated that the application is entitled to a patent term adjustment of six hundred sixty-nine days (669), but Applicants believe that the correct adjustment is six hundred sixty-eight (668) days.

Applicant filed a Notice of Appeal on March 12, 2007. A copy of the dated Notice is enclosed. The Board of Patent Appeals and Interferences issued a Decision on Appeal on June 16, 2008, in which the Examiner was affirmed in part. As such, Applicants are entitled to a patent term extension equivalent to the number of days the Examiner's rejections were on appeal. It appears from PAIR that the Office mistakenly calculated this time period as four-hundred sixty-three days (463). It is believed, however, that the correct time period is four-hundred sixty-two days (462). As a result, Applicants believe that the patent term in this application should be adjusted by six hundred sixty-eight (668) days.

Applicants believe that no fee is due for the filing of this letter.

Respectfully Submitted,

/Christopher M. Goff/

Christopher M. Goff, Reg. No. 41,785  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, 26th Floor  
St. Louis, Missouri 63102  
314-621-5070

CMG/JMB/EMF